

Sexual Harassment: A Concern for the Athletic Trainer

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Objective: Sexual harassment is a vital social issue that affects the business community, educational institutions, and personnel in the U.S. military. Addressing sexual harassment in the athletic training clinical setting is an important issue for the athletic training professional. Athletic trainers need to understand the complex definitions of sexual harassment and how to identify and handle claims of sexual harassment in order to prevent sexual harassment from occurring and to prevent civil lawsuits of alleged sexual harassment.

Background: Professional journals, legal textbooks, policy handbooks, unpublished findings from the NATA Women in Athletic Training Committee report, and current news media

sources were used to gain a greater understanding of this social problem.

Description: To make the athletic trainer aware of this important social issue and to offer suggestions for the athletic training staff to aid in preventing problems of sexual harassment.

Clinical Advantages: This article provides definitions and examples of sexual harassment, discussion of policy development, and suggestions for ways to eliminate sexual harassment in the athletic training environment.

Key Words: preventing sexual harassment, policy development, legal issues, interpersonal relationships

Sexual harassment is a problem in our society. It is prevalent in the written and visual media, with examples such as the Navy's Tailhook Affair, the Anita Hill-Clarence Thomas debate, the recent allegations of sexual misconduct at the Aberdeen Army Training Center, and the cases of sexual harassment at the Citadel.¹⁻⁶

Williams et al⁷ found that 20 to 30% of undergraduate female college students reported some type of sexual harassment. In a 1993 study, the American Association of University Women⁸ indicated that 85% of girls and 76% of boys in grades 8 through 11 have experienced some form of sexual harassment. In addition, the study pointed out that 65% of girls and 42% of boys have been touched, grabbed, or pinched in a sexual way in school.⁸

Sexual Harassment in Athletic Training

While the media focuses on sexual harassment in business, education, and the military, sexual harassment must be a concern for the athletic trainer in the athletic training clinical setting as well.^{9,10} At least two certified athletic trainers have filed sexual harassment allegations against employers in Tennessee and Georgia.^{9,11} Three recent studies involving both male and female certified athletic trainers looked at the problems of sexual harassment and sex-related issues. In one study, 100 college and university athletic trainers were selected at random from states in the southeastern region of the United States. This study found that 25% of the respondent population (both male and female athletic trainers) perceived or experienced sexual harassment of one type or another.⁴ Another study, conducted by the NATA Women in Athletic Training

Committee, found that 37% of the female athletic trainers surveyed reported sexual harassment (NATA Women in Athletic Training Committee, unpublished data, June 1996). A separate study by this same committee found that 40% of males surveyed perceived that female athletic trainers were sexually harassed. (NATA Women in Athletic Training Committee, unpublished data, June 1997).

Sexual Harassment Defined

Various studies have characterized the process of defining sexual harassment as complicated and confusing because there is no common definition broad enough to cover the wide range of occurrences that make up sexual harassment behavior.^{5,12-18} Bursik¹² reported that one problem in defining sexual harassment is that definitions of the term are usually from the victim's perspective and differ from situation to situation. Rubin and Borgers¹⁸ concluded that a "clear definition of sexual harassment has yet to be commonly accepted." Stein¹⁹ reported in 1995 that "sexual harassment, when it occurs in schools, is unwanted and unwelcome behavior of a sexual nature that interferes with the right to receive an equal education opportunity. It is a form of sex discrimination that is prohibited by Title IX."¹⁹

The Equal Employment Opportunity Commission (EEOC) has defined sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature."²⁰⁻²² Examples of how sexual harassment can be further defined are shown in Table 1. Included in the EEOC guidelines are references to Title VII of the Civil Rights Act of 1964, Title IX of the Education

Table 1. Equal Employment Opportunity Commission Definition of Sexual Harassment²¹

Behavior	Example
Unwelcome sexual advances	Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment
Requests for sexual favors	Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such an individual
Verbal or physical conduct of a sexual nature	Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

Amendments of 1972, and the Civil Rights Act of 1991, which are all federal statutes under which the majority of sexual harassment complaints against higher education institutions and their employees have been brought to the attention of the courts.^{13,14,21,23,24}

To further clarify, sexual harassment can be subdivided into two categories that the courts have used in developing guidelines against sexually harassing behaviors.^{5,23} The first is *quid pro quo* harassment in which an employer or supervisor will offer an employee/student a benefit (salary increase, job, promotion, passing grade) in exchange for sexual favors. The other category is the hostile or offensive working environment, in which there are no benefits offered for the return of sexual favors, but rather the victim is mistreated on a daily basis. This mistreatment may be in the form of subjection to blatant posters or pictures of a sexual nature, constant jokes, stories of a sexual nature, or constant attention given to the victim.^{1,5,8,23,25-27} This constant attention can take the shape of physical or verbal abuse.^{4,5,8,23,25}

To summarize, although sexual harassment is currently defined by law and in policy by institutions of higher education, the definition will continue to be influenced by the courts and by further studies. In addition, perceptions of sexual harassment will continue to be influenced by a person's sex and by our society.^{8,12,16,27} At present, women perceive sexual

harassment more than men do, as a result of their experiences and as a result of their education by other women who have been sexually harassed.^{4,6} Few men have experienced sexual harassment, and, thus, they tend to be less aware of the problem of sexual harassment than women are.^{4,6} As more men experience sexual harassment, their awareness and perception levels will increase. It will be important to continue redefining sexual harassment in both business and educational institutions in the years to come.

Because sexual harassment is a complex issue, this article will address a) the definitions of sexual harassment, b) the nature of sexual harassment, c) sexual harassment and consensual relationships, d) steps to eliminate sexual harassment, e) procedures for dealing with sexual harassment, and f) sexual harassment policy development.

The Nature of Sexual Harassment

The nature of sexual harassment is complex and filled with examples that further define the term. Sexual harassment can include any form of physical assault. Assault in this sense may include any physical touching of any kind, sexual in nature or not. Any type of direct or implied threat that submission to sexual advances may favorably affect employment, work status, promotions, grades, or letters of recommendation or that

Table 2. Sexual Harassment by Various Groups or Individuals²¹

Type of Harassment	Behavior
Peer harassment (student athletic trainer to student athletic trainer or other similar-age individuals)	Physical or verbal abuse to classmates or same-age individuals. Adolescent teasing, taunts, or spreading of false rumors.
Group harassment (members of an elite group of students or team)	Verbal or physical abuse of an individual by a select group or members of a team. This may be based on an individual's sexual preference (gays or lesbians) or personal beliefs.
Adult to student (athletic trainer-student athletic trainer)	A supervisor or head athletic trainer uses the position of power to sexually harass a student under his or her supervision or care.
Student to adult (student athletic trainer-athletic trainer, or what is called <i>contrapower</i> harassment)	Physical or verbal abuse upon the supervisor or athletic trainer. This type of harassment may occur when a student or athlete takes advantage of an inexperienced (young) female or male supervisor/athletic trainer. This may take place as a sexual assault or rape upon the female victim or sexual advances to a male victim.
Adult peer (or colleague) harassment	Similar to student peer harassment. In this case adults of equal positions of employment or power are responsible for the sexual harassment. In addition to the taunts, innuendoes, and sexist remarks, there may be unwelcome sexual advances.
Administrator-subordinate harassment	A supervisor or head athletic trainer uses the position of power to verbally or physically abuse a member of the staff.
Subordinate-administrator harassment (<i>contrapower</i> harassment)	Continual covert sexual advances or physical/verbal abuse upon the supervisor or head athletic trainer.

rejection of sexual advances may negatively affect the same would constitute sexual harassment. Any direct propositions of a sexual nature or subtle pressure for sexual activity, one element of which may be conduct such as repeated or unwanted staring, would all fall in the category of sexual harassment. A pattern of conduct (not legitimately related to the subject matter of the course involved or to employment if employment is involved) that tends to bring discomfort and or humiliation, which may include comments of a sexual nature, sexually explicit jokes, statements, questions, or anecdotes, may be viewed as sexually harassing. Actions such as unnecessary touching, patting, hugging, or brushing against a person's body; remarks of a sexual nature regarding a person's clothing or body; or remarks about sexual activity or speculation about previous sexual experience may bring discomfort or humiliation to a reasonable person at whom the conduct was directed.^{12,13,17,28}

Sexual harassment can occur in various ways and by different groups or individuals.^{12,13,15,21,22,24,28} For purposes of discussion, Table 2 illustrates the definitions used by the EEOC to identify the ways various groups and individuals can sexually harass others.

Sexual Harassment and Consensual Relationships

Adding to the controversy surrounding sexual harassment is the issue of relationships between staff members and supervisors. An example would be an assistant athletic trainer who is having an affair with the head athletic trainer, who determines whether the assistant receives a promotion or salary increase. Although both individuals are engaged in a consensual relationship, coworkers who do not receive the same benefits, promotions, or salary increases may allege that the benefits were received based on the relationship and not on job performance. This creates a hostile environment in which the "victim" perceives that he or she must engage in a sexual relationship with the supervisor to receive the same benefits.²⁰ A further complication to the consensual relationship issue are the claims of sexual harassment once the relationship is ended. Pichaske²⁹ discussed the implications when a consensual relationship turns hostile and charges of sexual harassment are made. This form of relationship is dangerous because, if the relationship ends, charges of sexual harassment could be made against either party.^{4,29}

Why Athletic Trainers Should Be Concerned About Sexual Harassment

Athletic training facilities are areas where athletes receive therapy or treatments in various stages of undress, which can create opportunities for inappropriate behavior from the athlete who is the patient or from the person providing the treatment. Recently an athletic trainer reached a settlement with her university employers over a sexual harassment issue.¹⁰ An additional concern for our profession is the fact that supervis-

ing athletic trainers will be expected to provide a safe environment in which student athletic trainers, athletes, and other staff athletic trainers can work without the threat of harassment, whether it is of a sexual nature or not.^{3,4,6,25} In addition, athletic trainers need to insure that comments, jokes, conversations, and any type of physical contact with student athletic trainers, staff athletic trainers, and athletes are not perceived as offensive or unwelcome.^{4,6,25} Many times professional staff members or students fail to draw the line of respectability when engaged in jokes, stories, or conversations that may contain inappropriate language.^{3,4,6} Inappropriate behavior may be perceived as sexually harassing in nature if an individual feels uncomfortable or embarrassed about the content of the conversation or any related physical contact.^{12,23,30-32} Furthermore, misunderstandings do arise: comments, conversations, or incidental physical contact by athletes, student staff, or professional staff members, which were not meant to be sexually harassing, may be perceived as such. Failure to provide a safe environment free from sexually harassing behavior of any type (from athletes or staff) may result in allegations of sexual harassment, possible disciplinary action, civil lawsuits, and termination of employment.^{5,9,10,13-29,31,33}

Staff athletic trainers, students, and athletes have the expectation of an environment free from harassment of a sexual or nonsexual nature.^{4,6,9,10} The athletic training room is a health-care setting in which the certified staff and student staff members are expected to act with the utmost professionalism. Interestingly enough, many previous studies of sexual harassment issues identified administrators or supervisors as the initiators of sexually harassing behavior, but a number of new studies have identified colleagues-associates and students as the responsible parties causing sexually harassing behavior.^{4,6,15,28,31}

Steps To Eliminate Sexual Harassment

Athletic trainers need to be aware of ways to eliminate sexually harassing behavior before it becomes a problem in the athletic training room or athletic training clinical setting. Methods include establishing an institution-wide policy defining sexual harassment and disseminating information regarding the policy and the disciplinary actions that will be taken if the policy is violated. Also, there are times when jokes, stories, and comments are perceived as being sexual in nature and may be offensive and unwelcome. If and when blatant incidents like these occur, the athletic trainer or a staff member should take steps to correct the situation; inaction sends a signal that the offensive behavior is acceptable.^{13,15,18,22-24,28,30} Failure on the part of the athletic trainer or athletic training staff to correct a blatantly offensive act may create a hostile environment. Sometimes a simple verbal statement, such as informing the individual that such language or comments are inappropriate and will not be tolerated in the training room, may be enough to enforce the policy.

Student athletic trainers and athletic training staff must be informed about the sexual harassment policy if compliance is to be achieved. The policy must be strongly worded to include the definitions of sexual harassment and to clearly state that this type of behavior will not be tolerated. In addition, the issue of prohibiting or condoning consensual relationships between supervisors and coworkers should be addressed.²⁹ Communicating this policy and the procedures for reporting sexual harassment can be done in various ways (Table 3).^{18,21} Because it is possible that a person who has been harassed may not remember that such a policy exists or where it can be found, the policy should be posted in a number of places, all of which are accessible to everyone.^{5,19,21}

Procedures for Dealing with Sexual Harassment

Formal and informal procedures should be developed to allow resolution of sexual harassment problems.^{21,26,33} The formal procedure is a defined process of disciplinary action leading to a documented end, such as termination of employment or advancement to a civil lawsuit. This procedure requires the individual making the claim of sexual harassment to file a formal complaint with the appropriate individual in charge of such complaints, and then a formal hearing is held. An informal procedure is a process that allows either party to stop the proceedings and reach a resolution to the issue that satisfies all involved parties, which may include an apology to the victim or a meeting to discuss the behavior that was perceived as sexually harassing. Athletic trainers should investigate to see if a procedure has already been established by the business or institutional human resources office or affirmative action office. In the athletic training room or clinical setting, this type of procedure may allow resolution of a sexual harassment claim.

Regardless of the involvement of the athletic trainer, the informal and formal procedures should be consistent with the overall institutional sexual harassment policy statement in outlining the process for reporting an alleged incident of sexual harassment and resolving the problem. The handling of a sexual harassment allegation should incorporate the institution's internal grievance procedure for promotion and for termination of disputes.^{21,26,33}

Table 3. Methods For Communicating Sexual Harassment Policies

Handbooks for employees, athletic training staff, student athletic trainers, and athletes
Athletic training room procedural handbooks
Employee/student athletic trainer and student-athlete orientation sessions
Posting in accessible areas located in or near the athletic training room (all restrooms, lounge areas, and locker rooms)

Sexual Harassment Policy Development

Many athletic trainers are unaware of a sexual harassment policy at their business or institution.⁴ A recent study of athletic trainers and sexual harassment issues found that only 67% of athletic trainers surveyed knew of a sexual harassment policy at their institution.^{4,6} Fourteen percent were uncertain if such a policy existed at their institution.⁴ In addition, of those athletic trainers reporting the existence of a sexual harassment policy, 24% were unaware if it was a departmental policy or an institutional policy. Fewer than 50% of those who had such a policy understood its contents.⁴

These findings raise serious questions that need to be addressed by administrators and athletic trainers. If your institution does not have a sexual harassment policy, are you leaving the door open for future civil liability? If your institution does have a policy, is it understood by those in supervisory roles? Is the policy being disseminated to all employees and staff?

Athletic trainers themselves may not need to develop written policies on sexual harassment. Most educational institutions and businesses have an affirmative action office or human resources office that is charged with knowing the law and enforcing the sexual harassment policy. Athletic trainers should work closely with the individuals in these offices to see that their athletic training rooms or clinical settings are complying with the law.

Policies and procedures for dealing with the problems of sexual harassment must be effective both in handling situations in which sexual harassment is alleged and in preserving the rights and privacy of both the accused and the accuser to the extent allowed by the law.^{17,19,21,22,24} For those athletic trainers who may need assistance in developing a policy, the following sample policy statement is provided to indicate the level of commitment an educational institution should have to treat sexual harassment as a serious issue.^{18,25}

"The University of (institution's name) in its efforts to foster an environment of respect for the dignity and worth of all members of the University community is committed to maintaining a work-learning environment free of sexual harassment. It is the policy of the University that no member of its community shall sexually harass another. Any employee or student who violates this policy is subject to disciplinary action. The University administrative officers are directed to take appropriate steps to disseminate this policy statement to inform students and employees of procedures for lodging complaints. The University shall fully retain all rights to discipline or discharge any employee or student who engages in misconduct or other behavior which is prohibited by law or other University policy."²²

A policy should be strongly worded to include both the institutional definition of sexual harassment and the clear message that this behavior is unacceptable and will not be tolerated.^{17,18,21,22,33} Definitions such as those developed by the EEOC are acceptable for use, or the institution may wish to define sexual harassment according to its own needs. Once a

Table 4. Clinical Site Self-Evaluation for Addressing Sexual Harassment*

Does your institution or clinical setting have a policy unequivocally prohibiting sexual harassment?	YES	NO
Does your institution or clinical setting have a sexual harassment grievance procedure that is well publicized, easily accessible, and included in the staff/student handbooks?	YES	NO
Does your institution or clinical setting provide professional training for the person responsible for implementing and investigating allegations of sexual harassment?	YES	NO
Is this person well informed regarding the basic requirements of the federal and state laws dealing with sexual harassment allegations?	YES	NO
Is this individual trained to deal sensitively with the needs and difficulties of individuals making claims of sexual harassment?	YES	NO
Does your institution or clinical site conduct workshops for staff and student employees to increase awareness of these policies and procedures?	YES	NO
Do workshops provide concrete information concerning the nature of hostile environments and contrapower sexual harassment?	YES	NO
Is there a policy regarding consensual relations between staff members and an acknowledgment that there is a possibility that a consensual relationship that sours could spawn sexual harassment allegations?	YES	NO
Are policies followed when an individual lodges a sexual harassment complaint?	YES	NO

* NO answers to any of the questions indicate an area of potential risk.

policy has been developed, it must be universally adopted and disseminated to all students, employees, and staff.

setting, will not likely go away, and, therefore, must be dealt with through education and policy enforcement.

Meeting the Challenges of Sexual Harassment

Athletic trainers and clinic and university administrators who are in the business of providing athletic training services to athletes or who employ athletic training personnel (both staff and students) should examine carefully and understand completely their institution's sexual harassment policy and the procedures for resolving allegations. If inservice programs to educate those in the athletic health care setting are not currently available, they should be developed.

In addition, the athletic training environment should be assessed to determine whether or not an atmosphere of sexually harassing behavior (or behavior that may be misinterpreted as sexually harassing) exists. This environment will also need to be evaluated to determine if a pattern of sexually harassing behaviors has been allowed to permeate the clinical setting.^{13,26,33} This pattern, if it exists, would lead to identification as either a hostile or offensive working environment, or quid pro quo harassment.^{5,8,12,19,21,22} Lastly, when the athletic trainer or staff member observes a clearly and blatantly offensive act or verbal comment, the offender should be immediately corrected and the message conveyed that such behavior will not be tolerated.

Athletic trainers will need to see if they, their institutions, and their clinics are taking the measures necessary to insure that staff athletic trainers and student staff members are free from a hostile work environment. Table 4 presents a self-evaluation to see if your institution or clinical site deals properly with the issues of sexual harassment. Athletic trainers should also see that blatant examples of sexually harassing behavior in the athletic training room are corrected. It must be obvious that such inappropriate behavior will not be tolerated. Finally, athletic trainers ought to understand that the issue of sexual harassment is not excluded from the athletic training

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